THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NO.17048 and 17131 OF 2007

Date: 13.9.2007

W.P.NO.17048 of 2007

Between:

Smt. K.S. Sumita … Petitioner.

And

The Station House Officer,
Karkhana Police Station,
Secunderabad and others. …. Respondents.

And

W.P.No.17131 of 2007

K. Srinivasachary … Petitioner.

And

The Station House Officer,
Karkhana, North Zone,
Secunderabad & another. …
Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

The Taken Up Writ Petition No.17131 of 2007 and W.P.No.17048 of 2007 can be disposed of together by a common order as they arise out of the same cause of action.

The telegram dated 8.8.2007 sent by Sri K. Srinivasachary to the Hon'ble the Chief Justice alleging that on 7.8.2007 the police belonging to Karkhana Police Station, in his absence, came to his house and picked up his father Lakshmanachary, aged 86 years from the house and two of his workers – Lakshman and another who are doing painting work at the place where he is undertaking construction work without assigning any reasons and their whereabouts are not known, was taken up as a writ of habeas corpus in W.P.No.17131 of 2007.

Smt. K.S. Sumita wife of K. Srinviasachary (petitioner in W.P.No.17131 of 2007) also filed W.P.No.17048 of 2007 for a writ of habeas corpus for production of her father-in-law 1) K. Lakshmanachary S/o Raghavachary, resident of AWHO Colony, Subhashnagar, Tirumalagheri, Secudnerabad and 2) Lakshman S/o Ramulu, aged about 22 years, Mechanic-cum-Driver, Secunderabad, alleging that they were taken away by the police on 6.8.2007 at about 11.00 p.m from their residence situated at AHWO Colony, Secunderabad and they were in illegal custody of the police since then without producing them before the jurisdictional Magistrate.

When both the writ petitions came up for hearing on 11.9.2007, none appeared for the petitioners and hence they were listed 'for

dismissal' today. Today also, none appeared for the petitioners. Therefore, we have heard the learned Government Pleader and proceeded to dispose of the petitions on the basis of the material placed on record.

In response to the notices issued, Mohd. Taher Ali, working as Inspector of Police, Karkhana Police Station, Secunderabad-1st respondent in both the writ petitions filed, counter-affidavit stating that one Ramesh Kunche, resident of Mahendra Hills, Secunderabad lodged a complaint with Karkhana P.S. stating that on 3.8.2007 he has sent one Innova Car bearing No.AP7 AF 0011 with his driver Mr. Krishna at about 11.15 hrs from his office situated at Madhapur to drop two persons at Marredpally, namely, Mr. Raju and another who are recovery agents of Mr. Srinviasa Chary of Marredpally, that the said two persons came to him for collection of Rs.85,000/- which is due to Srinviasachary, that after convincing the said two persons that he would pay the amount very soon to Srinivasachary asked his driver to drop the two persons at Marredpally, that, however, the said two persons snatched away the car from the driver on their way to Marredpally at Mudfort Part at 11.45 hrs, that they informed the driver that they would return the car only after the payment of the amount due and that on the basis of the complaint a case in Cr.No.269/2007 under Section 382 IPC was registered. It is further averred that during the course of investigation they examined the complainant and visited the house of Srinivasachary who is arrayed as A.1 in the crime, that K. Lakshmanachary father of Srinivaschary and mother wife of Srinviasachary were all present in the house and they informed the Investigating Officer that Srinivsachary is out of station and they were not aware of his whereabouts. On receiving reliable information that the alleged detenu No.2 who is cousin of Srinvasarachary is aware of

the whereabouts of the accused persons, the investigating officer examined him but could not get any clue with regard to Srinvisachary. During the course of investigation, Srinvsachary who is A.1 in the crime was apprehended near V.V. Statute, Khairatabad, Hyderabad on 16.8.2007 along with the car and was produced before the XI Additional Chief Metropolitan Magistrate, Secunderabad on 17.8.2007 and the learned Magistrate remanded him to judicial custody pursuant to which he was lodged in Central Prison, Chanchalguda, Hyderabad and was subsequently enlarged on bail. The counter denied about the detention of the alleged detenu No.1 Lakshmanachary father of Srinivasachary and Lakshman and another person and stated that they were never detained in the police custody.

The averments made in the counter filed by the 1st respondent clearly disclose that the alleged detenus were not detained by the police nor they were in illegal detention of the police and the wife of the petitioner in W.P.No.17131 of 2007 filed W.P.No.17048 of 2007 apprehending arrest of her husband Srinviasachaery, who has sent the telegram alleging that her father Lakahsmanachary has been illegally detained. Having regard to the averments made in the counter, the statement made in the counter that the alleged detenus were not kept under illegal detention has to be accepted. Further, the husband of petitioner in W.P.No.17048 of 2007 and petitioner in W.P.No.17131 of 2007, who is arrayed as A.1 in Crime No.269 of 2007, was arrested on 16.8.2007 and remanded to judicial custody by a lawful order passed by the Magistrate and thereafter he was enlarged on bail. As regards the other alleged detenus also, the counter is categorical that the police never detained them. In these circumstances and in view of the fact that the learned counsel for the petitioners has also not evinced any interest in prosecuting the cases in spite of posting both

the matters “for dismissal” today, the petitions are liable to be dismissed.

In the result, both the writ petitions are dismissed.

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A. GOPAL REDDY, J

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13th September, 2007 **P. SWAROOP REDDY, J**

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